

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**DERRICK FRANKLIN,
et al.**

Plaintiffs,

vs.

**STATE FARM FIRE AND
CASUALTY CO.,**

Defendant.

CIVIL ACTION NO. 09-cv-10947

DISTRICT JUDGE JOHN FEIKENS

MAGISTRATE JUDGE MONA K. MAJZOUB

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO
COMPEL DOROTHY LOUISE OMAR-ANTWINE TO ATTEND HER DEPOSITION
OR, IN THE ALTERNATIVE, MOTION FOR AN ORDER HOLDING [HER] IN
CONTEMPT (DOCKET NO. 23) AND ORDER FOR DOROTHY LOUISE OMAR-
ANTWINE TO APPEAR AT DEPOSITION**

This matter is before the Court on Defendant's Motion To Compel Dorothy Louise Omar-Antwine to Attend Her Deposition Or, In The Alternative, Motion For An Order Holding Dorothy Louise Omar-Antwine In Contempt filed on October 26, 2009. (Docket no. 23). No Response was filed within the time for responding. (Docket no. 24). All pre-trial proceedings were referred to the undersigned. (Docket no. 4). On December 18, 2009 the Court ordered Dorothy Louise Omar-Antwine to show cause for her failure to obey Defendant's subpoena. (Docket no. 25). Defendant and Omar-Antwine appeared for the show cause hearing on January 6, 2010. The matter is ready for ruling.

The Court incorporates the summary of there matters which appears in its December 18, 2009 Order to Show Cause. (Docket no. 25). The Court will grant Defendant's motion in part. The Court ordered on the record that Omar-Antwine will appear for deposition on January 18, 2010 at 11:00 a.m. at a location in Saginaw, Michigan. The location of the deposition is within the limits

of Fed. R. Civ. P. 45(c)(3)(A)(ii). The Court will order Defendant to re-notice the deposition in compliance with this date, time and location. The Court will deny without prejudice at this time, Defendant's request to hold Omar-Antwine in contempt.

IT IS THEREFORE ORDERED that Defendant's Motion (docket no. 23) is GRANTED in part and Dorothy Louise Omar-Antwine will appear for deposition on **Monday, January 18, 2010 at 11:00 a.m.**, at a location in Saginaw, Michigan to be noticed by Defendant.

IT IS FURTHER ORDERED that Defendant will re-notice Dorothy Louise Omar-Antwine's deposition for **Monday, January 18, 2010 at 11:00 a.m.** at a location **in Saginaw, Michigan.**

IT IS FURTHER ORDERED that Defendant's request that Omar-Antwine be held in contempt is DENIED without prejudice at this time. However, as stated at the hearing, **Omar-Antwine's failure to appear for her deposition may result in her being held in contempt of court pursuant to Fed. R. Civ. P. 45(e).**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 11, 2010

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order to Show Cause was served upon Dorothy Louise Omar-Antwine at 3251 S. Auburn Road, Saginaw, Michigan 48601 and Counsel of Record on this date.

Dated: January 11, 2010

s/ Lisa C. Bartlett
Case Manager